

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1865

IN THE MATTER OF:

Served July 14, 1978

CENTRAL DELIVERY SERVICE OF)
WASHINGTON, INC. - Investigation)
and Partial Revocation of)
Certificate No. 23)

Case No. MP-78-6

By Order No. 1854, served May 31, 1978, the Commission instituted the above-captioned proceeding pursuant to Title II, Article XII, Section 4(g) of the Compact for the purposes (a) of determining whether Central Delivery Service of Washington, Inc. (Central), is in compliance with the provisions of the Compact, including Title II, Article XII, Section 3 thereof, Central's Certificate of Public Convenience and Necessity No. 23, and the rules, regulations and orders of the Commission, and (b) of determining whether said Certificate No. 23 should be revoked to the extent, if any, said carrier is found not to be in compliance.

A public hearing on the matter was scheduled for June 26, 1978. On June 16, 1978, Central filed a motion (letter) waiving its right to a public hearing and requesting permission to submit written argument on the issues of law involved in this proceeding. Accordingly, the public hearing was cancelled pending our disposition of this motion.

In support of its request, Central asserts that there are no material issues of fact in dispute and that an evidentiary hearing would be a wasteful exercise. We concur. Central admits that it is no longer engaged in performing charter operations pursuant to contracts with American Airlines and the United States Nuclear Regulatory Commission (NRC) as authorized and mandated by its Certificate No. 23. By supplemental letter filed June 26, 1976, Central states that service was last performed for American Airlines on May 15, 1978, and last performed for the NRC on March 31, 1978. This admission is corroborated by certain contracts on file with the Commission and referenced in Order No. 1854, and we therefore adopt Central's admissions as findings of fact herein.

Based on these findings, the Commission concludes (a) that Central is in violation of Title II, Article XII, Section (3) of the Compact, Commission Regulation 63-01 and the fourth ordering paragraph of its Certificate No. 23 for failure to render reasonable, continuous and adequate service to the public in pursuance of the authority to serve American Airlines and NRC in said certificate and, (b) that Central has violated the third ordering paragraph of its Certificate No. 23 by failure to file written notice to the Commission within five days of the date of termination of its contracts with American Airlines and the NRC.

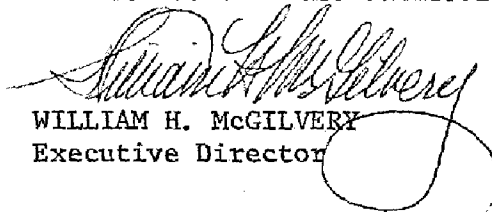
THEREFORE, IT IS ORDERED:

1. That the above-referenced motion of Central Delivery Service of Washington, Inc., is hereby granted.

2. That Central Delivery Service of Washington, Inc., is hereby directed fully to comply, within 30 days from the date of service hereof, with the provision of the Compact, the Commission regulation and the terms, conditions and limitations of its certificate found by the Commission to have been violated.

3. That Central Delivery Service of Washington, Inc., is hereby directed, within 35 days from the date of service hereof, to file either a notarized statement detailing the state of its compliance as directed herein or a response of counsel showing cause, if any there by, why Certificate of Public Convenience and Necessity No. 23 should not be revoked to the extent set forth in Order No. 1854.

BY DIRECTION OF THE COMMISSION:


WILLIAM H. MCGILVERY
Executive Director